United States Environmental Protection Agency
Region I – New England
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Urgent Legal Matter - Prompt & Complete Replay is required
Certified Mail - Return Receipt Requested

JAN 2 4 2014

Jeremy Maxwell, General Manager
Brewer Pilot Point Marina
63 Pilots Point Drive
Westbrook, CT 06498

Re: Request for Information, Docket No. 14-308-003

Dear Mr. Maxwell:

Our records show that Brewer Pilot Point Marina located at 63 Pilots Point Drive, in Westbrook, Connecticut (the "Facility"), was inspected by a representative of the U.S. Environmental Protection Agency ("EPA") on September 9, 2013. Based on information provided at that time, the inspector noted that this Facility may not be in compliance with the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated under Section 311 of the Clean Water Act, 33 U.S.C. § 1321. The Facility's Spill Prevention, Control, and Countermeasure ("SPCC") Plan had not been reviewed within 5 years, and oil tank testing and inspections may not be consistent with industrial standards. In addition, the inspector observed a certain oil tank without sized secondary containment and an oil discharge to a containment area.

Under the authority of Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321(m), you are hereby required to submit to EPA within 30 calendar days of your receipt of this letter the following:

1. A complete copy of your Facility's SPCC Plan. If completion of the SPCC Plan is not feasible within thirty (30) calendar days, submit a detailed schedule of when it will be completed and fully implemented. The schedule should include the name, address, license number, and state of licensure of the registered professional engineer certifying the SPCC Plan. If the SPCC Plan calls for improvements at the Facility, i.e., the construction of secondary containment, replacement of tanks, installation of alarms, or security, provide a detailed schedule for improvements and construction milestone dates.

2. If you believe that your Facility is not subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, an explanation supporting such determination, including appropriate documentation.

3. A list of all the oil storage capacity at the Facility, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

5. The date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).

6. The date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.

7. A list of additional facilities owned by the owner of the inspected Facility, including the name, location, and total number of employees at each facility. If the inspected Facility is operated by an entity other than the owner, a list of additional facilities operated by the operator of the inspected Facility, including the name, location, and total number of employees at each facility. For each additional facility listed, please provide the following information:

   a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.

   b. Explain whether each additional facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112).

   c. For those facilities that are subject to the Oil Pollution Prevention Regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and

   d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.

8. If the Facility is developing an updated SPCC Plan post-inspection, please also include the following information:

   a. The total cost of preparing the new SPCC Plan;

   b. The total cost of implementing the new SPCC Plan (including the cost of improvements at the Facility); and

c. The ongoing annual costs of implementing the new SPCC Plan, over and above the annual costs of the old SPCC Plan (including training, inspections and record keeping).

9. Following the inspection, the EPA inspector provided the Facility with EPA's SPCC Field Inspection and Plan Review Checklist. Please provide a detailed response that addresses each of EPA's comments within the Checklist and Form. For your convenience we have included a copy of the documents for your review.

10. Submit all formal internal (if applicable) and external oil tank and piping inspection and testing results conducted under American Petroleum Institute and or Steel Tank Institute industrial standards or equivalent. If inspecting and testing has not occurred since the tanks have been placed into service, provide a schedule which indicates the next expected time period for inspection and testing.

Answers to the above set of questions shall be sent to:

Joseph Canzano, P.E.
Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Be advised that noncompliance with the Oil Pollution Prevention regulations constitutes a violation of the Clean Water Act for which both injunctive relief and penalties can be sought.

EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspection. Although preparation and/or revision and submittal of an SPCC Plan to EPA does not preclude EPA from seeking penalties for violations of the Clean Water Act, your prompt response towards coming into full compliance with the Oil Pollution Prevention Regulations will be taken into account in determining EPA's enforcement response.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set

forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve the Facility of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed with this letter.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, directly at (617) 918-1763, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796. For your information, EPA has on its website (www.epa.gov/oilspill) a general guidance document on SPCC Plan preparation, including a model SPCC Plan.

Sincerely,

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region I
Jerry Keefe, Oil Spill Prevention Inspector, EPA Region I
Joseph Canzano, Oil Spill Prevention Compliance Coordinator, EPA Region I
Mark DeCaprio, State of Connecticut Department of Environmental Protection

Statement of Certification

Brewer Pilot Point Marina
63 Pilots Point Drive
Westbrook, Connecticut 06498

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Brewer Pilot Point Marina. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By_____
(Signature)

_____
(Print Name)

_____
(Title)

_____
(Date)

EPA United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-F-11-006 June 2011

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage
www.epa.gov/compliance/assistance/business.html

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers
www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture/

Automotive Recycling
www.ecarcenter.org

Automotive Service and Repair
www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printed Wiring Board Manufacturing
www.pwbrc.org

Printing
www.pneac.org

Ports
www.portcompliance.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline
info-antimicrobial@epa.gov or 1-703-308-6411

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act
www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)
www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline
www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline
www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

U.S. ENVIRONMENTAL PROTECTION AGENCY
SPCC FIELD INSPECTION AND PLAN REVIEW CHECKLIST

ONSHORE FACILITIES (EXCLUDING OIL DRILLING, PRODUCTION AND WORKOVER)

Overview of the Checklist

This checklist is designed to assist EPA inspectors in conducting a thorough and nationally consistent inspection of a facility's compliance with the Spill Prevention, Control, and Countermeasure (SPCC) rule at 40 CFR part 112. It is a required tool to help federal inspectors (or their contractors) record observations for the site inspection and review of the SPCC Plan. While the checklist is meant to be comprehensive, the inspector should always refer to the SPCC rule in its entirety, the SPCC Regional Inspector Guidance Document, and other relevant guidance for evaluating compliance. This checklist must be completed in order for an inspection to count toward an agency measure (i.e., OEM inspection measures or GPRA). The completed checklist and supporting documentation (i.e. photo logs or additional notes) serve as the inspection report.

This checklist addresses requirements for onshore facilities including Tier II Qualified Facilities (excluding facilities involved in oil drilling, production and workover activities) that meet the eligibility criteria set forth in §112.3(g)(2).

Separate standalone checklists address requirements for:
Onshore oil drilling, production, and workover facilities including Tier II Qualified Facilities as defined in §112.3(g)(2);
Offshore drilling, production and workover facilities; and
Tier I Qualified Facilities (for facilities that meet the eligibility criteria defined in §112.3(g)(1))

Qualified facilities must meet the rule requirements in §112.6 and other applicable sections specified in §112.6, except for deviations that provide environmental equivalence and secondary containment impracticability determinations as allowed under §112.6.

The checklist is organized according to the SPCC rule. Each item in the checklist identifies the relevant section and paragraph in 40 CFR part 112 where that requirement is stated.

- Sections 112.1 through 112.5 specify the applicability of the rule and requirements for the preparation, implementation, and amendment of SPCC Plans. For these sections, the checklist includes data fields to be completed, as well as several questions with "yes," "no" or "NA" answers.
- Section 112.6 includes requirements for qualified facilities.
- Section 112.7 includes general requirements that apply to all facilities (unless otherwise excluded).
- Sections 112.8 and 112.12 specify requirements for spill prevention, control, and countermeasures for onshore facilities (excluding production facilities).

The inspector needs to evaluate whether the requirement is addressed adequately or inadequately in the SPCC Plan and whether it is implemented adequately in the field (either by field observation or record review). For the SPCC Plan and implementation in the field, if a requirement is addressed adequately, mark the "Yes" box in the appropriate column. If a requirement is not addressed adequately, mark the "No" box. If a requirement does not apply to the particular facility or the question asked is not appropriate for the facility, mark the "NA" box. Discrepancies or descriptions of inspector interpretation of "No" vs. "NA" may be documented in the comments box subsequent to each section. If a provision of the rule applies only to the SPCC Plan, the "Field" column is shaded.

Space is provided in each section to record comments. Additional space is available on the comments page at the end of the checklist. Comments should remain factual and support the evaluation of compliance.

Appendices

- Appendix A is for recording information about containers and other locations at the facility that require secondary containment.
- Appendix B is a checklist for documentation of the tests and inspections the facility operator is required to keep with the SPCC Plan.
- Appendix C is a checklist for oil spill contingency plans following 40 CFR 109. Unless a facility has submitted a Facility Response Plan (FRP) under 40 CFR 112.20, a contingency plan following 40 CFR 109 is required if a facility determines that secondary containment is impracticable as provided in 40 CFR 112.7(d). The same requirement for an oil spill contingency plan applies to the owner or operator of a facility with qualified oil-filled operational equipment that chooses to implement alternative requirements instead of general secondary containment requirements.

FACILITY INFORMATION			
FACILITY NAME: Pilots Point Marina - South + East Yards			
LATITUDE:	LONGITUDE:	Section/Township/Range:	
FRS#:	OIL DATABASE ID NO:	ICIS#:	
ADDRESS: 63 Pilots Point Drive			
CITY: Westbrook	STATE: CT	ZIP: 06498	COUNTY:
MAILING ADDRESS (IF DIFFERENT FROM FACILITY ADDRESS – IF NOT, PRINT "SAME"):			
CITY: SAME 9/9/13	STATE:	ZIP:	COUNTY:
TELEPHONE: 860 - 399-7906	FACILITY REPRESENTATIVE NAME: Jeremy Maxwell		
OWNER NAME:			
OWNER ADDRESS:			
CITY:	STATE:	ZIP:	COUNTY:
OWNER CONTACT PERSON:			
TELEPHONE:	FAX:	EMAIL:	
FACILITY OPERATOR NAME (IF DIFFERENT FROM OWNER – IF NOT, PRINT "SAME"):			
OPERATOR ADDRESS:			
CITY:	STATE:	ZIP:	COUNTY:
TELEPHONE:	OPERATOR CONTACT PERSON:		
FACILITY TYPE: Marina	NAICS CODE:		
HOURS PER DAY FACILITY ATTENDED: 8	TOTAL FACILITY CAPACITY:		
TYPE(S) OF OIL STORED: Diesel, unleaded gasoline, used motor oil etc.			
LOCATED IN INDIAN COUNTRY? ☐ YES ☐ NO RESERVATION NAME:			
INSPECTION INFORMATION			
INSPECTION DATE: 09/09/2013	TIME: 10 00 Am	ACTIVITY ID NO:	
LEAD INSPECTOR: Jerry Keefe			
OTHER INSPECTOR(S): N/A			
INSPECTOR ACKNOWLEDGMENT			
I performed an SPCC inspection at the facility specified above.			
INSPECTOR SIGNATURE:		DATE: 9/9/2013	

FACILITY RESPONSE PLAN (FRP) APPLICABILITY

A non-transportation related onshore facility is required to prepare and implement an FRP as outlined in 40 CFR 112.20 if:

- ☐ The facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 U.S. gallons, OR
- ☐ The facility has a total oil storage capacity of at least 1 million U.S. gallons, AND at least one of the following is true:
  - ☐ The facility does not have secondary containment sufficiently large to contain the capacity of the largest aboveground tank plus sufficient freeboard for precipitation.
  - ☐ The facility is located at a distance such that a discharge could cause injury to fish and wildlife and sensitive environments.
  - ☐ The facility is located such that a discharge would shut down a public drinking water intake.
  - ☐ The facility has had a reportable discharge greater than or equal to 10,000 U.S. gallons in the past 5 years.

Facility has FRP: ☐ Yes ☒ No ☒ Not Required	FRP Number:

Facility has a completed and signed copy of Appendix C, Attachment C-II, "Certification of the Applicability of the Substantial Harm Criteria." ☒ Yes ☐ No

Comments:

SPCC GENERAL APPLICABILITY—40 CFR 112.1

IS THE FACILITY REGULATED UNDER 40 CFR part 112?

The completely buried oil storage capacity is over 42,000 U.S. gallons, OR the aggregate aboveground oil storage capacity is over 1,320 U.S. gallons AND ☒ Yes ☐ No

The facility is a non-transportation-related facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location could reasonably be expected to discharge oil into or upon the navigable waters of the United States ☒ Yes ☐ No

AFFECTED WATERWAY(S): Patchogue River	DISTANCE: < 50 ft

FLOW PATH TO WATERWAY:
West - Northwest - sheet flow or storm drainage to nearby Patchogue River.

Note: The following storage capacity is not considered in determining applicability of SPCC requirements:

- *Equipment subject to the authority of the U.S. Department of Transportation, U.S. Department of the Interior, or Minerals Management Service, as defined in Memoranda of Understanding dated November 24, 1971, and November 8, 1993; Tank trucks that return to an otherwise regulated facility that contain only residual amounts of oil (EPA Policy letter)*
- *Completely buried tanks subject to all the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281;*
- *Underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission (NRC) and subject to any NRC provision regarding design and quality criteria, including but not limited to CFR part 50;*
- *Any facility or part thereof used exclusively for wastewater treatment (production, recovery or recycling of oil is not considered wastewater treatment); (This does not include other oil containers located at a wastewater treatment facility, such as generator tanks or transformers)*
- *Containers smaller than 55 U.S. gallons;*
- *Permanently closed containers (as defined in §112.2);*
- *Motive power containers(as defined in §112.2);*
- *Hot-mix asphalt or any hot-mix asphalt containers;*
- *Heating oil containers used solely at a single-family residence;*
- *Pesticide application equipment and related mix containers;*
- *Any milk and milk product container and associated piping and appurtenances; and*
- *Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.*

Does the facility have an SPCC Plan? ☒ Yes ☐ No

SPCC TIER II QUALIFIED FACILITY APPLICABILITY—40 CFR 112.3(g)(2)	
The aggregate aboveground oil storage capacity is 10,000 U.S. gallons or less **AND**	☐ Yes ☒ No
In the three years prior to the SPCC Plan self-certification date, or since becoming subject to the rule (if the facility has been in operation for less than three years), the facility has **NOT** had:	
• A single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons, **OR**	☐ Yes ☐ No
• Two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any twelve-month period[1]	☐ Yes ☐ No

IF *YES* TO ALL OF THE ABOVE, THEN THE FACILITY IS CONSIDERED A TIER II QUALIFIED FACILITY

REQUIREMENTS FOR PREPARATION AND IMPLEMENTATION OF A SPCC PLAN—40 CFR 112.3

Date facility began operations: 1969

Date of initial SPCC Plan preparation:	Current Plan version (date/number):

112.3(a)	**For facilities (except farms), including mobile or portable facilities:**	
	• In operation on or prior to November 10, 2011: Plan prepared and/or amended and fully implemented by **November 10, 2011**	☒ Yes ☐ No ☐ NA
	• Beginning operations after November 10, 2011, Plan prepared and fully implemented before beginning operations	☐ Yes ☐ No ☒ NA
	For farms (as defined in §112.2):	
	• In operation on or prior to August 16, 2002: Plan maintained, amended and implemented by **May 10, 2013**	☐ Yes ☐ No ☒ NA
	• Beginning operations after August 16, 2002 through May 10, 2013: Plan prepared and fully implemented by **May 10, 2013**	☐ Yes ☐ No ☐ NA
	• Beginning operations after May 10, 2013: Plan prepared and fully implemented before beginning operations	☐ Yes ☐ No ☐ NA
112.3(d)	Plan is certified by a registered Professional Engineer (PE) and includes statements that the PE attests:	☒ Yes ☐ No ☐ NA
	• PE is familiar with the requirements of 40 CFR part 112	☒ Yes ☐ No ☐ NA
	• PE or agent has visited and examined the facility	☒ Yes ☐ No ☐ NA
	• Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112	☒ Yes ☐ No ☐ NA
	• Procedures for required inspections and testing have been established	☒ Yes ☐ No ☐ NA
	• Plan is adequate for the facility	☒ Yes ☐ No ☐ NA

PE Name: Warren J. Newman Jr.	License No.: 24GE0457900	State: NJ	Date of certification: Not dated by PE

112.3(e)(1)	Plan is available onsite if attended at least 4 hours per day. If facility is unattended, Plan is available at the nearest field office. *(Please note nearest field office contact information in comments section below.)*	☐ Yes ☐ No ☐ NA

Comments:
Not dated by PE but by General Manager of facility 4/8/2008

[1] Oil discharges that result from natural disasters, acts of war, or terrorism are not included in this determination. The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination.

[2] An owner/operator who self-certifies a Tier II SPCC Plan may not include any environmentally equivalent alternatives or secondary containment impracticability determinations unless reviewed and certified by a PE.

AMENDMENT OF SPCC PLAN BY REGIONAL ADMINISTRATOR (RA)—40 CFR 112.4		
112.4(a),(c)	Has the facility discharged more than 1,000 U.S. gallons of oil in a single reportable discharge or more than 42 U.S. gallons in each of two reportable discharges in any 12-month period?[3]	☐ Yes ☒ No
If YES	• Was information submitted to the RA as required in §112.4(a)?[4]	☐ Yes ☐ No ☐NA
	• Was information submitted to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located§112.4(c)	☐ Yes ☐ No ☐NA
	• Date(s) and volume(s) of reportable discharges(s) under this section: _____	
	• Were the discharges reported to the NRC[5]?	☐ Yes ☐ No
112.4(d),(e)	Have changes required by the RA been implemented in the Plan and/or facility?	☐ Yes ☐ No ☐ NA
Comments:		

AMENDMENT OF SPCC PLAN BY THE OWNER OR OPERATOR—40 CFR 112.5		
112.5(a)	Has there been a change at the facility that materially affects the potential for a discharge described in §112.1(b)?	☐ Yes ☒ No
If YES	• Was the Plan amended within six months of the change?	☐ Yes ☐ No
112.5(b)	Review and evaluation of the Plan completed at least once every 5 years?	☐ Yes ☒ No ☐ NA
	Following Plan review, was Plan amended within six months to include more effective prevention and control technology that has been field-proven to significantly reduce the likelihood of a discharge described in §112.1(b)?	☐ Yes ☐ No ☐ NA
	Amendments implemented within six months of any Plan amendment?	☐ Yes ☐ No ☐ NA
	Five year Plan review and evaluation documented?	☐ Yes ☐ No ☐ NA
112.5(c)	Professional Engineer certification of any technical Plan amendments in accordance with all applicable requirements of §112.3(d) *[Except for self-certified Plans]*	☐ Yes ☐ No ☒ NA

Name:	License No.:	State:	Date of certification:

Reason for amendment:

Plan amended within six months of the change?	☐ Yes ☐ No ☐ NA
Amendments implemented within six months of any Plan amendment?	☐ Yes ☐ No ☐ NA

Comments: Plan not reviewed and evaluated with 5yrs. (5 months ago)

[3] A reportable discharge is a discharge as described in §112.1(b)(see 40 CFR part 110). The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. The entire volume of the discharge is oil for this determination

[4] Triggering this threshold may disqualify the facility from meeting the Qualified Facility criteria if it occurred in the three years prior to self certification

[5] Inspector Note-Confirm any spills identified above were reported to NRC

TIER II QUALIFIED FACILITY PLAN REQUIREMENTS —40 CFR 112.6(b)		
112.6(b)(1)	**Plan Certification:** Owner/operator certified in the Plan that:	☐ Yes ☐ No ☒ NA
(i)	He or she is familiar with the requirements of 40 CFR part 112	☐ Yes ☐ No ☐ NA
(ii)	He or she has visited and examined the facility[6]	☐ Yes ☐ No ☐ NA
(iii)	The Plan has been prepared in accordance with accepted and sound industry practices and standards and with the requirements of this part	☐ Yes ☐ No ☐ NA
(iv)	Procedures for required inspections and testing have been established	☐ Yes ☐ No ☐ NA
(v)	He or she will fully implement the Plan	☐ Yes ☐ No ☐ NA
(vi)	The facility meets the qualification criteria set forth under §112.3(g)(2)	☐ Yes ☐ No ☐ NA
(vii)	The Plan does not deviate from any requirements as allowed by §§112.7(a)(2) and 112.7(d), except as described under §112.6(b)(3)(i) or (ii)	☐ Yes ☐ No ☐ NA
(viii)	The Plan and individual(s) responsible for implementing the Plan have the full approval of management and the facility owner or operator has committed the necessary resources to fully implement the Plan.	☐ Yes ☐ No ☐ NA
112.6(b)(2)	**Technical Amendments:** The owner/operator self-certified the Plan's technical amendments for a change in facility design, construction, operation, or maintenance that affected potential for a §112.1(b) discharge	☐ Yes ☐ No ☒ NA
If YES	• Certification of technical amendments is in accordance with the self-certification provisions of §112.6(b)(1).	☐ Yes ☐ No ☐ NA
(i)	A PE certified a portion of the Plan (i.e., Plan is informally referred to as a hybrid Plan)	☐ Yes ☐ No ☐ NA
If YES	• The PE also certified technical amendments that affect the PE certified portion of the Plan as required under §112.6(b)(4)(ii)	☐ Yes ☐ No ☐ NA
(ii)	The aggregate aboveground oil storage capacity increased to more than 10,000 U.S. gallons as a result of the change	☐ Yes ☐ No ☐ NA
If YES	*The facility no longer meets the Tier II qualifying criteria in §112.3(g)(2) because it exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity*	
	The owner/operator prepared and implemented a Plan within 6 months following the change and had it certified by a PE under §112.3(d)	☐ Yes ☐ No ☐ NA
112.6(b)(3)	**Plan Deviations:** Does the Plan include environmentally equivalent alternative methods or impracticability determinations for secondary containment?	☐ Yes ☐ No ☒ NA
If YES	Identify the alternatives in the hybrid Plan:	
	• Environmental equivalent alternative method(s) allowed under §112.7(a)(2);	☐ Yes ☐ No ☐ NA
	• Impracticability determination under §112.7(d)	☐ Yes ☐ No ☐ NA
112.6(b)(4)	• For each environmentally equivalent measure, the Plan is accompanied by a written statement by the PE that describes: the reason for nonconformance, the alternative measure, and how it offers equivalent environmental protection in accordance with §112.7(a)(2);	☐ Yes ☐ No ☒ NA
	• For each secondary containment impracticability determination, the Plan explains the reason for the impracticability determination and provides the alternative measures to secondary containment required in §112.7(d)	☐ Yes ☐ No ☐ NA
	AND	
(i)	PE certifies in the Plan that:	
(A)	He/she is familiar with the requirements of 40 CFR Part 112	☐ Yes ☐ No ☐ NA
(B)	He/she or a representative agent has visited and examined the facility	☐ Yes ☐ No ☐ NA
(C)	The alternative method of environmental equivalence in accordance with §112.7(a)(2) or the determination of impracticability and alternative measures in accordance with §112.7(d) is consistent with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR Part 112.	☐ Yes ☐ No ☐ NA
Comments:		

[6] Note that only the person certifying the Plan can make the site visit

GENERAL SPCC REQUIREMENTS—40 CFR 112.7		PLAN	FIELD
Management approval at a level of authority to commit the necessary resources to fully implement the Plan[7]		☒ Yes ☐ No	
Plan follows sequence of the rule or is an equivalent Plan meeting all applicable rule requirements and includes a cross-reference of provisions		☒ Yes ☐ No ☐ NA	
If Plan calls for facilities, procedures, methods, or equipment not yet fully operational, details of their installation and start-up are discussed *(Note: Relevant for inspection evaluation and testing baselines.)*		☒ Yes ☐ No ☐ NA	
112.7(a)(2)	The Plan includes deviations from the requirements of §§112.7(g), (h)(2) and (3), and (i) and applicable subparts B and C of the rule, except the secondary containment requirements in §§112.7(c) and (h)(1), 112.8(c)(2),112.8(c)(11), 112.12(c)(2), and 112.12(c)(11)	☐ Yes ☐ No ☒ NA	
If YES	• The Plan states reasons for nonconformance	☐ Yes ☐ No ☐ NA	
	• Alternative measures described in detail and provide equivalent environmental protection *(Note: Inspector should document if the environmental equivalence is implemented in the field, in accordance with the Plan's description)*	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
Describe each deviation and reasons for nonconformance:			
112.7(a)(3)	Plan describes physical layout of facility and includes a diagram[8] that identifies: • Location and contents of all regulated fixed oil storage containers • Storage areas where mobile or portable containers are located • Completely buried tanks otherwise exempt from the SPCC requirements (marked as "exempt") • Transfer stations • Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under §112.1(d)(11)	☒ Yes ☐ No	☐ Yes ☐ No
	Plan addresses each of the following:		
(i)	For each fixed container, type of oil and storage capacity (see Appendix A of this checklist). For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities	☒ Yes ☐ No	☐ Yes ☐ No
(ii)	Discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.)	☒ Yes ☐ No	☐ Yes ☐ No
(iii)	Discharge or drainage controls, such as secondary containment around containers, and other structures, equipment, and procedures for the control of a discharge	☒ Yes ☐ No	☐ Yes ☐ No
(iv)	Countermeasures for discharge discovery, response, and cleanup (both facility's and contractor's resources)	☒ Yes ☐ No	☐ Yes ☐ No
→ (v)	Methods of disposal of recovered materials in accordance with applicable legal requirements	☒ Yes ☐ No	
(vi)	Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with an agreement for response, and all Federal, State, and local agencies who must be contacted in the case of a discharge as described in §112.1(b)	☒ Yes ☐ No	

[7] May be part of the Plan or demonstrated elsewhere.

[8] Note in comments any discrepancies between the facility diagram, the description of the physical layout of facility, and what is observed in the field

		PLAN	FIELD
112.7(a)(4)	***Does not apply if the facility has submitted an FRP under §112.20:*** ☒ Yes ☐ No ☐ NA Plan includes information and procedures that enable a person reporting an oil discharge as described in §112.1(b) to relate information on the: • Exact address or location and phone number of the facility; • Date and time of the discharge; • Type of material discharged; • Estimates of the total quantity discharged; • Estimates of the quantity discharged as described in §112.1(b); • Source of the discharge; • Description of all affected media; • Cause of the discharge; • Damages or injuries caused by the discharge; • Actions being used to stop, remove, and mitigate the effects of the discharge; • Whether an evacuation may be needed; and • Names of individuals and/or organizations who have also been contacted.		
112.7(a)(5)	***Does not apply if the facility has submitted a FRP under §112.20:*** Plan organized so that portions describing procedures to be used when a discharge occurs will be readily usable in an emergency	☒ Yes ☐ No ☐ NA	
112.7(b)	Plan includes a prediction of the direction, rate of flow, and total quantity of oil that could be discharged for each type of major equipment failure where experience indicates a reasonable potential for equipment failure	☒ Yes ☐ No ☐ NA	
112.7(c)	Appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge as described in §112.1(b), **except as provided in §112.7(k) of this section for certain qualified operational equipment.** The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. The method, design, and capacity for secondary containment address the typical failure mode and the most likely quantity of oil that would be discharged. See Appendix A of this checklist. **For onshore facilities,** one of the following or its equivalent: • Dikes, berms, or retaining walls sufficiently impervious to contain oil; • Curbing or drip pans; • Sumps and collection systems; • Culverting, gutters or other drainage systems; • Weirs, booms or other barriers; • Spill diversion pond; • Retention ponds; or • Sorbent materials.		
	Identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided as described above:		
	☐ Bulk storage containers	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	☐ Mobile/portable containers	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	☐ Oil-filled operational equipment (as defined in 112.2)	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	☐ Other oil-filled equipment (i.e., manufacturing equipment)	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	☐ Piping and related appurtenances	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	☐ Mobile refuelers or non-transportation-related tank cars	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	☐ Transfer areas, equipment and activities	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	☐ Identify any other equipment or activities that are not listed above: _____	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA

Comments:

Note: Plan should be specific that contractor will dispose of waste material in accordance of applicable regulations. (page 33)

		PLAN	FIELD
112.7(d)	Secondary containment for one (or more) of the following provisions is determined to be impracticable: ☐ General secondary containment §112.7(c) ☐ Bulk storage containers §§112.8(c)(2)/112.12(c)(2) ☐ Loading/unloading rack §112.7(h)(1) ☐ Mobile/portable containers§§112.8(c)(11)/112.12(c)(11)	☐ Yes ☒ No	
If YES	• The impracticability of secondary containment is clearly demonstrated and described in the Plan	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• For bulk storage containers,[9] periodic integrity testing of containers and integrity and leak testing of the associated valves and piping is conducted	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	(Does not apply if the facility has submitted a FRP under §112.20):		
	• Contingency Plan following the provisions of 40 CFR part 109 is provided (see Appendix C of this checklist) **AND**	☐ Yes ☐ No ☐ NA	
	• Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(e)	Inspections and tests conducted in accordance with written procedures	☒ Yes ☐ No	☐ Yes ☒ No
	Record of inspections or tests signed by supervisor or inspector	☒ Yes ☐ No	☐ Yes ☒ No
	Kept with Plan for at least 3 years (see Appendix B of this checklist)[10]	☒ Yes ☐ No	☐ Yes ☒ No
112.7(f)	Personnel, training, and oil discharge prevention procedures		
(1)	Training of oil-handling personnel in operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and contents of SPCC Plan	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(2)	Person designated as accountable for discharge prevention at the facility and reports to facility management	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(3)	Discharge prevention briefings conducted at least once a year for oil handling personnel to assure adequate understanding of the Plan. Briefings highlight and describe known discharges as described in §112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(g)	Plan describes how to: • Secure and control access to the oil handling, processing and storage areas; • Secure master flow and drain valves; • Prevent unauthorized access to starter controls on oil pumps; • Secure out-of-service and loading/unloading connections of oil pipelines; and • Address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA

Comments:

safety briefing / training for SPCC plan should be document and save according to the plan.

	PLAN	FIELD

[9] These additional requirements apply only to bulk storage containers, when an impracticability determination has been made by the PE

[10] Records of inspections and tests kept under usual and customary business practices will suffice

112.7(h)	Tank car and tank truck loading/unloading rack[11] is present at the facility ☐ Yes ☒ No *Loading/unloading rack* means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.		
If YES (1)	Does loading/unloading rack drainage flow to catchment basin or treatment facility designed to handle discharges or use a quick drainage system?	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Containment system holds at least the maximum capacity of the largest single compartment of a tank car/truck loaded/unloaded at the facility	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(2)	An interlocked warning light or physical barriers, warning signs, wheel chocks, or vehicle brake interlock system in the area adjacent to the **loading or unloading rack** to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(3)	Lower-most drains and all outlets on tank cars/trucks inspected prior to filling/departure, and, if necessary ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
112.7(i)	Brittle fracture evaluation of field-constructed aboveground containers is conducted after tank repair, alteration, reconstruction, or change in service that might affect the risk of a discharge or after a discharge/failure due to brittle fracture or other catastrophe, and appropriate action taken as necessary (applies to only field-constructed aboveground containers)	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
112.7(j)	Discussion of conformance with applicable more stringent State rules, regulations, and guidelines and other effective discharge prevention and containment procedures listed in 40 CFR part 112	☒ Yes ☐ No ☐ NA	
112.7(k)	Qualified oil-filled operational equipment is present at the facility[12] ☐ Yes ☒ No *Oil-filled operational equipment* means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g. , those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.		
If YES	Check which apply: ☐ Secondary Containment provided in accordance with 112.7(c) ☐ Alternative measure described below (confirm eligibility)		
112.7(k)	Qualified Oil-Filled Operational Equipment • Has a single reportable discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons occurred within the three years prior to Plan certification date? ☐ Yes ☐ No ☐ NA • Have two reportable discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons occurred within any 12-month period within the three years prior to Plan certification date?[13] ☐ Yes ☐ No ☐ NA		
	If YES for either secondary containment in accordance with §112.7(c) is required		
	• Facility procedure for inspections or monitoring program to detect equipment failure and/or a discharge is established and documented	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Does not apply if the facility has submitted a FRP under §112.20: • Contingency plan following 40 CFR part 109 (see Appendix C checklist) is provided in Plan **AND**	☐ Yes ☐ No ☐ NA	
	• Written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful is provided in Plan	☐ Yes ☐ No ☐ NA	

[11] Note that a tank car/truck loading/unloading rack must be present for §112.7(h) to apply
[12] This provision does not apply to oil-filled manufacturing equipment (flow-through process)
[13] Do not include oil discharges that result from natural disasters, acts of war, or terrorism in this qualification determination

ONSHORE FACILITIES (EXCLUDING PRODUCTION) 40 CFR 112.8/112.12		PLAN	FIELD
112.8(b)/ 112.12(b) Facility Drainage			
Diked Areas (1)	Drainage from diked storage areas is: • Restrained by valves, except where facility systems are designed to control such discharge, OR • Manually activated pumps or ejectors are used and the condition of the accumulation is inspected prior to draining dike to ensure no oil will be discharged	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(2)	Diked storage area drain valves are manual, open-and-closed design (not flapper-type drain valves)	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	If drainage is released directly to a watercourse and not into an onsite wastewater treatment plant, retained storm water is inspected and discharged per §§112.8(c)(3)(ii), (iii), and (iv) or §§112.12(c)(3)(ii), (iii), and (iv).	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
Undiked Areas (3)	Drainage from undiked areas with a potential for discharge designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to facility. Catchment basin located away from flood areas.[14]	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
(4)	If facility drainage not engineered as in (b)(3) (i.e., drainage flows into ponds, lagoons, or catchment basins) then the facility is equipped with a diversion system to retain oil in the facility in the event of an uncontrolled discharge.[15]	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
(5)	Are facility drainage waters continuously treated in more than one treatment unit and pump transfer is needed?	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
If *YES*	• Two "lift" pumps available and at least one permanently installed	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Facility drainage systems engineered to prevent a discharge as described in §112.1(b) in the case of equipment failure or human error	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
Comments:			

112.8(c)/112.12(c) Bulk Storage Containers ☐ NA

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

If bulk storage containers are not present, mark this section Not Applicable (NA). If present, complete this section and Appendix A of this checklist.

(1)	Containers materials and construction are compatible with material stored and conditions of storage such as pressure and temperature	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(2)	Except for mobile refuelers and other non-transportation-related tank trucks, construct all bulk storage tank installations with secondary containment to hold capacity of largest container and sufficient freeboard for precipitation	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Diked areas sufficiently impervious to contain discharged oil OR	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	Alternatively, any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA

[14] Do not include oil discharges that result from natural disasters, acts of war, or terrorism in this qualification determination

[15] These provisions apply only when a facility drainage system is used for containment; otherwise mark NA

		PLAN	FIELD
(3)	Is there drainage of uncontaminated rainwater from diked areas into a storm drain or open watercourse?	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
If YES	• Bypass valve normally sealed closed	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Retained rainwater is inspected to ensure that its presence will not cause a discharge as described in §112.1(b)	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Bypass valve opened and resealed under responsible supervision	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Adequate records of drainage are kept; for example, records required under permits issued in accordance with 40 CFR §§122.41(j)(2) and (m)(3)	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(4)	For completely buried metallic tanks installed on or after January 10, 1974 (if not exempt from SPCC regulation because subject to all of the technical requirements of 40 CFR part 280 or 281):		
	• Provide corrosion protection with coatings or cathodic protection compatible with local soil conditions	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	• Regular leak testing conducted	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(5)	The buried section of partially buried or bunkered metallic tanks protected from corrosion with coatings or cathodic protection compatible with local soil conditions	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
(6)	• Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. Techniques include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other system of non-destructive testing	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Appropriate qualifications for personnel performing tests and inspections are identified in the Plan and have been assessed in accordance with industry standards	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• The frequency and type of testing and inspections are documented, are in accordance with industry standards and take into account the container size, configuration and design	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Comparison records of aboveground container integrity testing are maintained	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	• Container supports and foundations regularly inspected	☒ Yes ☐ No ☐ NA	☐ Yes ☒ No ☐ NA
	• Outside of containers frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas	☒ Yes ☐ No ☐ NA	☐ Yes ☒ No ☐ NA
	• Records of all inspections and tests maintained[16]	☒ Yes ☐ No ☐ NA	☐ Yes ☒ No ☐ NA
Integrity Testing Standard identified in the Plan:			
112.12 (c)(6)(ii) *(Applies to AFVO Facilities only)*	Conduct formal visual inspection on a regular schedule for bulk storage containers that meet all of the following conditions: • Subject to 21 CFR part 110; • Elevated; • Constructed of austenitic stainless steel; • Have no external insulation; and • Shop-fabricated.	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	You must determine and document in the Plan the appropriate qualifications for personnel performing tests and inspections.[16]	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA

[16] Records of inspections and tests kept under usual and customary business practices will suffice

		PLAN	FIELD
(7)	Leakage through defective internal heating coils controlled: • Steam returns and exhaust lines from internal heating coils that discharge into an open watercourse are monitored for contamination, OR	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
	• Steam returns and exhaust lines pass through a settling tank, skimmer, or other separation or retention system	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(8)	Each container is equipped with at least one of the following for liquid level sensing: • High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station, or audible air vent in smaller facilities; • High liquid level pump cutoff devices set to stop flow at a predetermined container content level; • Direct audible or code signal communication between container gauger and pumping station; or • Fast response system for determining liquid level (such as digital computers, telepulse, or direct vision gauges) and a person present to monitor gauges and overall filling of bulk containers. ☒ Liquid level sensing devices regularly tested to ensure proper operation *(check if liquid level sensing devices are present at the facility and the Plan addresses testing)*	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(9)	Effluent treatment facilities observed frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b)	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA
(10)	Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(11)	Mobile or portable containers positioned to prevent a discharge as described in §112.1(b).	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Mobile or portable containers (excluding mobile refuelers and other non-transportation-related tank trucks) have secondary containment with sufficient capacity to contain the largest single compartment or container and sufficient freeboard to contain precipitation	☒ Yes ☐ No ☐ NA 55 gal drums + 275 AST (skid) must be empty each day its used and stored.	☐ Yes ☐ No ☐ NA
112.8(d)/112.12(d) Facility transfer operations, pumping, and facility process			
(1)	Buried piping installed or replaced on or after August 16, 2002 has protective wrapping or coating	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Buried piping installed or replaced on or after August 16, 2002 is also cathodically protected or otherwise satisfies corrosion protection standards for piping in 40 CFR part 280 or 281	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Buried piping exposed for any reason is inspected for deterioration; corrosion damage is examined; and corrective action is taken	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(2)	Piping terminal connection at the transfer point is marked as to origin and capped or blank-flanged when not in service or in standby service for an extended time	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(3)	Pipe supports are properly designed to minimize abrasion and corrosion and allow for expansion and contraction	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(4)	Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly to assess their general condition	☒ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
	Integrity and leak testing conducted on buried piping at time of installation, modification, construction, relocation, or replacement ?	☐ Yes ☐ No ☐ NA	☐ Yes ☐ No ☐ NA
(5)	Vehicles warned so that no vehicle endangers aboveground piping and other oil transfer operations	☐ Yes ☐ No ☒ NA	☐ Yes ☐ No ☐ NA

Comments: 275g Ast (skid) should be empty after every use and stored to reduce residual discharges.

ADDITIONAL COMMENTS	
Provision	Comment
–	AST #10 (East Yard) plan states secondary containment for tank is Lacking (Appendix J)
–	Plan should be updated and appropriate/responsible staff need to be identified and training provided (to document experience)
–	Annual/monthly inspection must be done as stated in the plan. Annual Inspection should also be signed by general manager (as stated in Plan)

PHOTO DOCUMENTATION LOG		
Photo#	Photographer Name	Description (include date, location and direction)

APPENDIX A: SPCC FIELD INSPECTION AND PLAN REVIEW TABLE

Documentation of Field Observations for Containers and Associated Requirements

Inspectors should use this table to document observations of containers as needed.

Containers and Piping

Check containers for leaks, specifically looking for: drip marks, discoloration of tanks, puddles containing spilled or leaked material, corrosion, cracks, and localized dead vegetation, and standards/specifications of construction.

Check aboveground container foundation for: cracks, discoloration, and puddles containing spilled or leaked material, settling, gaps between container and foundation, and damage caused by vegetation roots.

Check all piping for: droplets of stored material, discoloration, corrosion, bowing of pipe between supports, evidence of stored material seepage from valves or seals, evidence of leaks, and localized dead vegetation. For all aboveground piping, include the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, bleeder and gauge valves, and other such items (Document in comments section of §112.8(d) or 112.12(d).)

Secondary Containment (Active and Passive)

Check secondary containment for: containment system (including walls and floor) ability to contain oil such that oil will not escape the containment system before cleanup occurs, proper sizing, cracks, discoloration, presence of spilled or leaked material (standing liquid), erosion, corrosion, penetrations in the containment system, and valve conditions.

Check dike or berm systems for: level of precipitation in dike/available capacity, operational status of drainage valves (closed), dike or berm impermeability, debris, erosion, impermeability of the earthen floor/walls of diked area, and location/status of pipes, inlets, drainage around and beneath containers, presence of oil discharges within diked areas.

Check drainage systems for: an accumulation of oil that may have resulted from any small discharge, including field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers. Ensure any accumulations of oil have been promptly removed.

Check retention and drainage ponds for: erosion, available capacity, presence of spilled or leaked material, debris, and stressed vegetation.

Check active measures (countermeasures) for: amount indicated in plan is available and appropriate; deployment procedures are realistic; material is located so that they are readily available; efficacy of discharge detection; availability of personnel and training, appropriateness of measures to prevent a discharge as described in §112.1(b).

Container ID/ General Condition[17] Aboveground or Buried Tank	Storage Capacity and Type of Oil	Type of Containment/ Drainage Control	Overfill Protection and Testing & Inspections

[17] Identify each tank with either an A to indicate aboveground or B for completely buried

APPENDIX B: SPCC INSPECTION AND TESTING CHECKLIST

Required Documentation of Tests and Inspections

Records of inspections and tests required by 40 CFR part 112 signed by the appropriate supervisor or inspector must be kept by all facilities with the SPCC Plan for a period of three years. Records of inspections and tests conducted under usual and customary business practices will suffice. Documentation of the following inspections and tests should be kept with the SPCC Plan.

	Inspection or Test	Documentation		Not Applicable
		Present	Not Present	
112.7–General SPCC Requirements				
(d)	Integrity testing for bulk storage containers with no secondary containment system and for which an impracticability determination has been made			
(d)	Integrity and leak testing of valves and piping associated with bulk storage containers with no secondary containment system and for which an impracticability determination has been made			
(h)(3)	Inspection of lowermost drain and all outlets of tank car or tank truck prior to filling and departure from loading/unloading rack			
(i)	Evaluation of field-constructed aboveground containers for potential for brittle fracture or other catastrophic failure when the container undergoes a repair, alteration, reconstruction or change in service or has discharged oil or failed due to brittle fracture failure or other catastrophe			
k(2)(i)	Inspection or monitoring of qualified oil-filled operational equipment when the equipment meets the qualification criteria in §112.7(k)(1) and facility chooses to implement the alternative requirements in §112.7(k)(2) that include an inspection or monitoring program to detect oil-filled operational equipment failure and discharges			
112.8/112.12–Onshore Facilities (excluding oil production facilities)				
(b)(1), (b)(2)	Inspection of storm water released from diked areas into facility drainage directly to a watercourse			
(c)(3)	Inspection of rainwater released directly from diked containment areas to a storm drain or open watercourse before release, open and release bypass valve under supervision, and records of drainage events			
(c)(4)	Regular leak testing of completely buried metallic storage tanks installed on or after January 10, 1974 and regulated under 40 CFR 112			
(c)(5)	Regular integrity testing of aboveground containers and integrity testing after material repairs, including comparison records			
(c)(6), (c)(10)	Regular visual inspections of the outsides of aboveground containers, supports and foundations			
(c)(6)	Frequent inspections of diked areas for accumulations of oil			
(c)(8)(v)	Regular testing of liquid level sensing devices to ensure proper operation			
(c)(9)	Frequent observations of effluent treatment facilities to detect possible system upsets that could cause a discharge as described in §112.1(b)			
(d)(1)	Inspection of buried piping for damage when piping is exposed and additional examination of corrosion damage and corrective action, if present			
(d)(4)	Regular inspections of aboveground valves, piping and appurtenances and assessments of the general condition of flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces			
(d)(4)	Integrity and leak testing of buried piping at time of installation, modification, construction, relocation or replacement			